

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

SPECTRUM WT, BARRETT BRIGHT,
and LAUREN STOVALL,

Plaintiffs,

v.

WALTER WENDLER, in his individual
capacity and his official capacity as the
President of West Texas A&M University,

CHRISTOPHER THOMAS, in his official
capacity as Vice President for Student
Affairs at West Texas A&M University,

JOHN SHARP, in his official capacity as
Chancellor of the Texas A&M University
System,

ROBERT L. ALBRITTON, JAMES R.
BROOKS, JAY GRAHAM, MICHAEL A.
HERNANDEZ III, TIM LEACH, BILL
MAHOMES, ELAINE MENDOZA,
MICHAEL J. PLANK, CLIFF THOMAS,
and DEMETRIUS L. HARRELL JR., in
their official capacities as members of the
Board of Regents of the Texas A&M
University System,

Defendants.

Case No.: 2:23-cv-00048-Z

Hon. Matthew J. Kacsmaryk

ORAL ARGUMENT REQUESTED

**PLAINTIFFS' AMENDED MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiffs Spectrum WT, Barrett Bright, and Lauren Stovall, through their undersigned counsel, withdraw their pending motion for a preliminary injunction [Dkt. 8] and substitute this amended motion for a preliminary injunction.

Plaintiffs move under Federal Rule Civil Procedure 65 for the following preliminary injunction against all Defendants:

1. Defendants, and their employees, agents, servants, officers, and persons

in concert with Defendants, are enjoined from enforcing President Wendler's ban on drag shows in campus facilities generally available for student group use;

2. Defendants, and their employees, agents, servants, officers, and persons in concert with Defendants, are enjoined from enforcing any of the viewpoint- and content-discriminatory prohibitions on expressive activity contained in President Walter Wendler's March 20, 2023 email titled "A Harmless Drag Show? No Such Thing," when making West Texas A&M University facilities or spaces available to Plaintiffs or other student organizations.

In support of this Motion, Plaintiffs rely on the accompanying Brief in Support, the declaration attached to that brief, and their First Amended Verified Complaint [Dkt. 28]. As Plaintiffs show in their brief, they are entitled to immediate and preliminary injunctive relief because (1) Plaintiffs are substantially likely to succeed on the merits of their claims, (2) Plaintiffs are and will continue to suffer irreparable harm in the loss of their First Amendment rights absent immediate relief from this Court, (3) the balance of equities decidedly tips in favor of protecting Plaintiffs' First Amendment rights, and (4) the public interest always supports upholding the Constitution.

Plaintiffs also request opportunity to be heard on this Motion as soon as the Court's schedule allows.

A proposed order is attached.

Dated: April 20, 2023

Respectfully submitted,

/s/ JT Morris

JT MORRIS

TX Bar No. 24094444

FOUNDATION FOR INDIVIDUAL

RIGHTS AND EXPRESSION

700 Pennsylvania Ave., SE

Suite 340

Washington, DC 20003

Tel: (215) 717-3473

Fax: (267) 573-3073

jt.morris@thefire.org

CONOR T. FITZPATRICK*

MI Bar No. P78981

ADAM B. STEINBAUGH*

PA Bar No. 326475

JEFFREY D. ZEMAN*

PA Bar No. 328570

FOUNDATION FOR INDIVIDUAL

RIGHTS AND EXPRESSION

510 Walnut St.; Ste. 1250

Philadelphia, PA 19106

Tel: (215) 717-3473

Fax: (267) 573-3073

conor.fitzpatrick@thefire.org

adam@thefire.org

jeff.zeman@thefire.org

* *Pro Hac Vice* motions
forthcoming

Attorneys for Plaintiffs

CERTIFICATE OF CONFERENCE

Under Fed. R. Civ. P. 65(b)(1)(B) and Local Rule 7.1, I certify that I conferred by email with Leif Olson and Aaron Reitz, attorneys for Defendant Walter Wendler, and Amy Hilton, attorney for the remaining Defendants. Ms. Hilton indicated that Defendants oppose this motion.

/s/ JT Morris

JT Morris

FOUNDATION FOR INDIVIDUAL
RIGHTS AND EXPRESSION

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2023, a true and correct copy of the foregoing document was transmitted via using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ JT Morris

JT Morris

FOUNDATION FOR INDIVIDUAL
RIGHTS AND EXPRESSION